

EXHIBIT 3

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CIVIL ACTION NO. 04-11522-WGY

STEVEN R. KINCAID,)
)
)
PLAINTIFF,)
)
VS.)
)
BANK OF AMERICA)
CORPORATION,)
)
DEFENDANT.)
)

DEPOSITION
OF
SHEILA K. BURROUGHS

AT CHARLOTTE, NORTH CAROLINA

JUNE 1, 2005

REPORTER: IRA ANDERSON
NOTARY PUBLIC

COPY



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Ms. Burroughs - Vol. I

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- 1 Glen Grazier been working?
- 2 A. I don't know.
- 3 Q. Had he been working at the bank?
- 4 A. I don't think so.
- 5 Q. And when was Alison Hart replaced?
- 6 A. I don't know.
- 7 Q. Other than talking to Mr. Kotopoulos, did you
8 talk to anybody else at the bank about
9 terminating Mr. Kincaid's employment?
- 10 A. I spoke with the personnel center.
- 11 Q. And who at the personnel center did you speak
12 to?
- 13 A. I spoke to a number of different agents there,
14 I'm not sure of all their names.
- 15 Q. Okay. What are the names that you remember
16 that you spoke to?
- 17 A. I remember Onya and I remember Andrea; that's
18 all I remember.
- 19 Q. And what did you speak to Onya and Andrea
20 about?
- 21 A. The initial conversations were regarding
22 counseling Mr. Kincaid, ensuring that I was
23 delivering the messages appropriately and
24 properly, and I also discussed with them the
25 appropriate process for the actual

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1 termination.

2 Q. Okay. And when, how much before the
3 termination day did you speak to Onya and
4 Andrea?

5 A. I don't know which dates I actually spoke to
6 which of those folks. I spoke with someone
7 either the day before termination or the day
8 of, right near it. I had been speaking with
9 them since prior to the memo that we gave him
10 in April.

11 Q. You had been speaking with them since prior to
12 the memo?

13 A. Yes.

14 Q. About terminating him?

15 A. No, no, no. Their an advice and counsel area
16 for coaching and performance management, so I
17 had been speaking with them about the
18 coaching, ensuring I was delivering
19 appropriate messages that would be
20 understandable, that I was characterizing my
21 expectations properly; counseling me to make
22 sure I was coaching effectively.

23 Q. Okay. How can I find out Onya and Andrea last
24 names?

25 A. At the personnel center.